



Our Ref. No.: 051876.P559

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Sang-Hee Kang

Application No.: 10/749,836

Filed: December 30, 2003

For: **SEMICONDUCTOR MEMORY DEVICE
HAVING ADVANCED REPAIR CIRCUIT**

)
)
)
) Examiner: LE, THONG QUOC
)
)
) Art Unit: 2827
)
)
)
)

PETITION TO REVIVE

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

On May 25, 2006, a Notice of Abandonment issued due to Applicant's alleged failure to timely pay the required issue fee and publication fee. Reconsideration and withdrawal of the Notice of Abandonment is requested on the grounds of unavoidable delay due to Patent and Trademark Office error.

In particular, on January 13, 2005, an Office Action was issued. On March 29, 2005, a Notice of Allowance issued notwithstanding that Applicant had not filed any response to the outstanding Office Action. The Notice of Allowance did not include a Notice of Allowability and, for that reason, Applicant was unable to determine the basis for the Notice of Allowance. After a discussion with the Examiner on or about April 5, 2005, it was determined that the Notice of Allowance had incorrectly issued in view of receipt of an amendment filed by another law firm directed to Serial No. 10/794,836 which apparently was incorrectly entered into present application Serial No. 10/749,836.

On May 16, 2005, Applicant filed a response with amendment to the January 13, 2005 Office Action.

Notwithstanding that the amendment presented amendments to Claims 1, 2 and 3 which were clearly not directed to merely matters of form, on September 8, 2005, the Office issued a response to a Rule 312 Communication indicating that Applicant's amendment filed May 16, 2005 had been entered as directed to matters of form not affecting the scope of the invention.

On October 19, 2005, Applicant received a Supplemental Notice of Allowability. On November 14, 2005, Applicant filed a response to the Supplemental Notice of Allowability stating that since Applicant had not yet received a Notice of Allowance, it was unable to proceed with payment of the issue fee.

Under the circumstances, Applicant submits that from the record, it is clear that the Notice of Allowance mailed March 29, 2005 was clearly in error. Further, Applicant was unable to pay the issue fee by the due date of June 29, 2005 due to the erroneously issued Notice of Allowance. Further, since a properly issued Notice of Allowance was never mailed, Applicant remains unable to pay the issue fee.

Applicant notes that the Amendment filed January 31, 2005 by the other law firm is no longer in the file history of the present application and presumably has been transferred to the correct application Serial No. 10/794,836.

In view of the foregoing, reconsideration and withdrawal of the Notice of Abandonment is requested and issuance of a correct Notice of Allowance and Notice of Allowability is requested.

Please charge any required fees to Deposit Account 02-2666. Additionally, Applicant requests refund of any fees so charged since this Petition was necessitated solely due to Patent and Trademark Office error.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 6/16/06


Eric S. Hyman, Reg. No. 30,139

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025
(310) 207-3800

CERTIFICATE OF MAILING: I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Mail Stop: ~~100~~ Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450


Linda D'ELIA

6-16-06
Date



FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT

(\$)

Complete if Known

Application Number	10/749,836
Filing Date	December 30, 2003
First Named Inventor	SANG-HEE KANG
Examiner Name	LE, Thong Quoc
Art Unit	2827
Attorney Docket No.	51876P559

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. ☐ Credit any overpayments

FEE CALCULATION

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) _____					
				SUBTOTAL (2)	(\$)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Eric S. Hyman	Registration No. (Attorney/Agent)	30,139	Telephone	(310) 207-3800
Signature		Date	6/16/06		



DAC
EIFW

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application No.	10/749,836
		Filing Date	December 30, 2003
		First Named Inventor	SANG-HEE KANG
		Art Unit	2827
		Examiner Name	LE, Thong Quoc
Total Number of Pages in This Submission	6	Attorney Docket Number	51876P559

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">see remarks below</div>
Remarks PETITION TO REVIVE (2 pages) Return postcard		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Eric S. Hyman, Reg. No. 30,139 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	6/16/06

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
Typed or printed name	Linda D'Elia		
Signature		Date	6/16/06